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# THE NORTH CAROLINA

## SEX OFFENDER & PUBLIC PROTECTION

### REGISTRATION PROGRAM

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*This publication is designed as a reference guide only and should not be relied upon for legal advice. It is current as of the revision date on this cover page, and material in this publication may have been altered, added, or deleted since the revision date.*

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## **PREFACE**

\_\_\_\_\_ We have prepared this publication to help the people of North Carolina understand the Sex Offender Registration Program. Beginning April 1, 1998, substantial information about convicted sex offenders has been made available to the public, including information about the identity of sex offenders, where they currently reside and the offenses they committed. The Department of Justice is continuing to work with local law enforcement to provide information in a thorough manner so that the public will be fully informed. Any suggestions for improving this publication should be directed to the Law Enforcement Liaison Section within the North Carolina Attorney General's office at (919) 716-6725.

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## **NORTH CAROLINA**

### **SEX OFFENDER AND PUBLIC PROTECTION REGISTRATION PROGRAM**

#### **I. HISTORY**

In October of 1994, Congress enacted the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. (42 USC § 14071(f)). In broad terms the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act provided for a system and outline for the various states to create sex offender registration programs in order to continue to receive certain federal funds. The various states had three years from the Act's original enactment date of September 13, 1994 to comply with these standards. The Wetterling Act was modified on May 17, 1996 by way of "Megan's Law" (Public Law 104-145) to add provisions relating to the release of registration information. It was again modified by way of "The Pam Lyncher Sexual Offender Tracking Act of 1996."

On January 1, 1996, the North Carolina General Assembly created North Carolina's first Sex Offender Registration Law, known as the "Amy Jackson Law." In 1998 and 2001, North Carolina's Sex Offender Registration Program was rewritten to comply with the standards enunciated under the Jacob Wetterling, Megan and Pam Lyncher Laws. The Sex Offender and Public Protection Registry was revised in 2005 and again in 2006. This outline is intended to be an overview of these new laws to assist North Carolina citizens in understanding the Program's provisions. This publication is not intended to be legal advice or guidance.

#### **II. WHO IS REQUIRED TO REGISTER AS AN OFFENDER?**

Anyone who has a "reportable conviction", as defined by G.S. § 14-208.6(4), is required to register with the North Carolina Sex Offender and Public Protection Registry. "Reportable convictions" consist "offenses against minors", "sexually violent offenses" or an attempt to commit any of those offenses.

##### **A. OFFENSE AGAINST A MINOR**

Anyone convicted on or after April 1, 1998 for the following offenses will be subject to registration if the offenses were committed against a minor and the defendant was not the minor victim's parent.

N.C.G.S. § 14-39	Kidnapping
N.C.G.S. § 14-41	Abduction of Children
N.C.G.S. § 14-43.3	Felonious Restraint

## B. SEXUALLY VIOLENT OFFENSES

The chart below lists all the “sexually violent” offenses as defined by G.S. § 14-208.6(5). Take special note of the right hand column headed, “KEY DATE”. In order to be subject to registration the offense must meet the KEY DATE requirements.

STATUTE	TITLE	KEY DATE
N.C.G.S. § 14-27.2	First Degree Rape	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
N.C.G.S. § 14-27.3	Second Degree Rape	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
N.C.G.S. § 14-27.4	First Degree Sexual Offense	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
N.C.G.S. § 14-27.5	Second Degree Sexual Offense	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
N.C.G.S. § 14-27.5A	Sexual Battery	Offense <b>COMMITTED</b> on or after <u>Dec. 1, 2005</u>
N.C.G.S. § 14-27.6	Attempted Rape or Sexual Offense (Repealed in 1994)	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
N.C.G.S. § 14-27.7	Intercourse and Sexual Offense With Certain Victims	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
N.C.G.S. § 14-27.7A(a)	Statutory Rape or Sexual Offense of a Person Who is 13, 14, or 15 Years Old Where the Defendant is at Least Six Years Older	Offenses <b>COMMITTED</b> on or after <u>Dec. 1, 2006</u>
N.C.G.S. § 14-43.7	Subjecting or Maintaining a Person for Sexual Servitude	Offenses <b>COMMITTED</b> on or after <u>Dec. 1, 2006</u>
N.C.G.S. § 14-178	Incest Between Near Relatives	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
N.C.G.S. § 14-190.6	Employing or Permitting Minor to Assist in Offenses Against Public Morality and Decency	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
N.C.G.S. § 14-190.9(a1)	Felony Indecent Exposure	Offense <b>COMMITTED</b> on or after <u>Dec. 1, 2005</u>
N.C.G.S. § 14-190.16	First Degree Sexual Exploitation of a Minor	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
N.C.G.S. § 14-190.17	Second Degree Sexual Exploitation of a Minor	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
N.C.G.S. § 14-190.17A	Third Degree Sexual Exploitation of a Minor	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
N.C.G.S. § 14-190.18	Promoting Prostitution of a Minor	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>

N.C.G.S. § 14-190.19	Participating in Prostitution of a Minor	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
N.C.G.S. § 14-202	Secret Peeping	Applicable for final convictions for Subsections (d),(e),(f),(g) or (h) ,or a second or subsequent conviction for a violation of Subsection (a) or (c), only if the court sentencing the individual issues an order pursuant to 14-202(I) requiring the individual to register. Only for Offenses that were <b>COMMITTED</b> on or after <u>Dec. 1, 2003</u> . A second or subsequent conviction for a violation of subsection (a1) is reportable only if the court sentencing the individual issues an order pursuant to 14-202(I) requiring the individual to register. Only for offenses that were <b>COMMITTED</b> on or after <u>Dec. 1, 2004</u> .
N.C.G.S. § 14-202.1	Taking Indecent Liberties with Children	Convicted or Released from Penal Institution on or after <u>Jan. 1, 1996</u>
N.C.G.S. § 14-202.3	Solicitation of Child by Computer to Commit an Unlawful Sex Act	Offense <b>COMMITTED</b> on or after <u>Dec. 1, 2005</u>
N.C.G.S. § 14-208.6(4)(b)	Reportable Conviction: <b>(1)</b> “A final conviction in another state of an offense, which if committed in this State, is substantially similar to an offense against a minor or a sexually violent offense as defined by this section, <u>or (2) a final conviction in another state for an offense that requires registration under the sex offender registration statutes of that state.</u> ”	<b>(1)</b> Applies to as set out above. <b>(2)</b> Applies to all individuals who move into this State on or after <u>Dec. 1, 2006</u> .

## C. CONVICTIONS FROM ANOTHER STATE

In the situation where an individual is convicted of an offense in another state and then moves to, or resides in North Carolina, he or she will be required to register if either of the following requirements are met:

1. The conviction is for an offense, which if committed in North Carolina, is substantially similar to an offense against a minor or a sexually violent offense. This provision has the same effective dates as the “sexually violent offenses” and “offenses against minors” discussed above; **OR**

2. The individual has a final conviction in another state for an offense that requires registration under the sex offender registration statutes of that state. This provision becomes effective December 1, 2006 and applies to individual who move into North Carolina on or after that date, regardless of the date of commission of the offense or date of conviction.

#### **D. CONVICTIONS FROM A FEDERAL JURISDICTION**

An individual that moves to or resides in North Carolina and has a final conviction for an offense, which is substantially similar to an “offense against a minor” or a “sexually violent offense” is required to register in North Carolina if the individual was convicted or released from a correctional institution on or after April 3, 1997.

#### **E. ATTEMPT**

A final conviction for an attempt to commit an “offense against a minor” or a “sexually violent offense” is a reportable offense. This provision is applicable to offenses COMMITTED on or after April 1, 1998.

#### **F. AIDING AND ABETTING**

A final conviction for aiding and abetting is a reportable conviction only if the court sentencing the individual finds that registration of that individual under Article 27A of Chapter 14 of the North Carolina General Statutes furthers the purposes of Article 27A, as stated in G.S. § 14-208.5. This provision is applicable only to offenses COMMITTED on or after Dec. 1, 1999.

#### **G. CONSPIRACY AND SOLICITATION**

A “sexually violent offense” includes convictions for solicitation or conspiracy to commit a sexually violent offense. This provision is applicable only to offenses COMMITTED on or after Dec. 1, 1999.

### **III. OFFENDER CLASSIFICATIONS**

There are six (6) types of offender classifications. Where an offender fits will be based on the nature of the prosecution, the elements of the crime for which the offender was convicted, the individual’s previous criminal history and the employment and educational status of the offender.

#### **A. OFFENDER**

An individual who has a reportable conviction that is not classified as a “recidivist”, an “aggravated offender”, or a “sexually violent predator” is classified as an offender and is required to maintain registration for at least ten years. Offenders are also required to verify their address every year on the anniversary date of their initial date

of registration and every six months after that. Details on the registration and verification process are set out below in greater detail.

## **B. SEXUALLY VIOLENT PREDATOR**

A “sexually violent predator” is an individual who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in sexually violent offenses directed at strangers or at a person with whom a relationship has been established or promoted for the primary purpose of victimization. Registration requirements for those individuals determined to be “sexually violent predators” are effective for individuals who were charged with a sexually violent offense on or after April 1, 1998.

A mental abnormality means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of others.

A personality disorder means an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual’s culture, is pervasive and inflexible, has an onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment.

N.C.G.S. § 14-208.20 sets the requirements for classifying an individual as a Predator.

(a) When a person is charged by indictment or information with the commission of a sexually violent offense, the district attorney shall decide whether to seek classification of the offender as a sexually violent predator if the person is convicted. If the district attorney intends to seek the classification of a sexually violent predator, the district attorney shall within the time provided for the filing of pretrial motions under G.S. § 15A-952 file a notice of the district attorney’s intent.

(b) Prior to sentencing a person as a sexually violent predator, the court shall order a pre-sentence investigation in accordance with G.S. § 15A-1332(c). However, the study of the defendant and whether the defendant is a sexually violent predator shall be conducted by a board of experts selected by the Department of Correction. The board of experts shall be composed of at least four people. Two of the board members shall be experts in the field of the behavior and treatment of sexual offenders, one of whom shall be selected from a panel of experts in those fields provided by the North Carolina Medical Society and not employed with the Department of Correction or employed on a full-time basis with any other State agency. One of the board members shall be a victim’s rights advocate, and one of the board members shall be a representative of law enforcement agencies.



(c) When the defendant is returned from the pre-sentence commitment, the court shall hold a sentencing hearing in accordance with G.S. § 15A01334. At the sentencing hearing, the court shall, after taking the pre-sentencing report under advisement, make written findings as to whether the defendant is classified as a sexually violent predator and the basis for the court's findings.

#### **C. RECIDIVIST**

An individual shall be registered as a Recidivist if he/she has a second or subsequent "reportable conviction" for an offense that was COMMITTED on or after October 1, 2001.

#### **D. AGGRAVATED OFFENDER**

An individual shall be registered for life as an Aggravated Offender if he/she is convicted of an "Aggravated Offense", as defined in G.S. § 14-208.6(1a). This provision is applicable to offenses COMMITTED on or after October 1, 2001.

G.S. § 14-208.6(1a) defines an aggravated offense as one that includes either of the following: (1) engaging in a sexual act involving vaginal, anal, or oral penetration with a victim of any age through the use of force or the threat of serious violence, or (2) engaging in a sexual act involving vaginal, anal, or oral penetration with a victim who is less than 12 years old.

#### **E. NON-RESIDENT STUDENT**

A person who is not a resident of North Carolina but who is enrolled in any type of school in the State on a part-time or full-time basis. These individuals are required to register if they have a reportable conviction OR if they are required to register in their state of residency.

#### **F. NON-RESIDENT WORKER**

A person who is not a resident of North Carolina but who has employment or carries on a vocation in the State, on a part-time or full-time basis, with or without compensation or government or educational benefit, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year.

### **IV. REGISTRATION/VERIFICATION PROCESS**

#### **A. HOW TO REGISTER**

Individuals that are required to register shall report, IN PERSON, to the Sheriff of the county where they reside. When the individual reports the Sheriff shall collect the following information:

1. The registrant's full name, each alias, date of birth, sex, race, height, weight, eye color, hair color, drivers license number, and home address;
2. The type of offense for which the person was convicted, the date of conviction, and the sentence imposed.
3. A current photograph; and
4. The registrant's fingerprints.

The sheriff will photograph the registrant at the time of initial registration and take fingerprints from the registrant, both of which will be kept as part of the registration form. The registrant may not be required to pay any fees for the photographs or fingerprints taken at the time of registration.

Once the registrant completes the registration process, the sheriff with whom the person registered shall immediately send the registration information to the Criminal Information and Identification Section(CIIS) of the State Bureau of Investigation, in a manner determined by CIIS. The sheriff shall retain the original registration form and other information collected and will compile the information that is considered a public record into a county registry. A county registry is defined as the information compiled by the sheriff of a county in compliance with this law.

Once the registrant has completed the registration process the sheriff shall provide the registrant with written proof of registration at the time of registration.

## **B. WHEN TO REGISTER**

Individuals that are required to register shall report to the Sheriff for registration within the following time limits:

1. Immediately upon conviction when no active sentence is given. In this situation the court will notify the offender of his or her duty to register.
2. Within ten (10) days of release from a correctional institution. Prior to being released the individual is given notice about his duty to register.

At least ten days, but not earlier than 30 days, before a person who will be subject to registration is due to be released from a penal institution, an official of the penal institution will:

- (a) Inform the person of the person's duty to register under Article 27A of Chapter 14 of the North Carolina General Statutes and require the person to sign a written statement

that the person was so informed, or if the person refuses to sign the statement, certify that the person was so informed;

- (b) Obtain the registration information required, as well as the address where the person expects to reside upon the person's release; and
- (c) Send CIIS and the sheriff of the county in which the person expects to reside the information collected.

- 3. Within ten (10) days of establishing residency in North Carolina, or whenever the person has been present in North Carolina for 15 days, whichever comes first.

### **C. ADDRESS VERIFICATION PROCESS**

Every offender subject to registration is required to periodically verify his or her address with the sheriff of his or her county of residence. All verifications must be made IN PERSON. The frequency of the required verifications will depend on the classification of the offender.

An individual classified as a "Sexually Violent Predator", a "Recidivist" or an "Aggravated Offender" is required to verify his or her address every 90 days. Every 90 days the State will send a non-forwardable letter, return receipt requested, to the offender. The offender has ten (10) days from the receipt of the letter to appear in person at the offender's local sheriff's office to complete the verification process. Failure to comply with these verification procedures is a Class F felony.

An offender not classified as a "Sexually Violent Predator", a "Recidivist" or an "Aggravated Offender" is required to verify his or her address every year on the anniversary of the person's initial registration date, and again six months after that date. The in person verification procedures are the same as listed above.

If it appears to the sheriff that the record photograph of the sex offender no longer provides a true and accurate likeness of the sex offender, then the sheriff shall take a photograph of the offender to update the registration. During the period that an offender is required to be registered the sheriff is authorized to attempt to verify that the offender continues to reside at the address last registered address. If it appears to the sheriff that the current photograph of the sex offender no longer provides a true and accurate likeness of the sex offender, upon in-person notice from the sheriff, the offender shall allow the sheriff to take another photograph of the offender at the time of the sheriff's request. If requested by the sheriff, the offender shall appear in person at the sheriff's office during normal business hours within 72 hours of being requested to do so and shall allow the sheriff to take another photograph of the sex offender.

## **D. CHANGE OF ADDRESS**

An individual that is required to register must notify the sheriff of the county where that person is registered of any change of address. This is the case for moves within the State as well as for moves out of the State. However, there are different time requirements for moving within the State and moving out of the State.

If an offender is moving, but will still reside in North Carolina, notification must be made, in person, not later than the tenth (10th) day after the change of address to the sheriff of the county with whom the offender had last registered.

If a person required to register intends to move to another state, he or she shall report, in person, to the sheriff of the county of current residence at least 10 days before the date the person intends to leave this State to establish residence in another state or jurisdiction.

A person who indicates his or her intent to reside in another state or jurisdiction and later decides to remain in this State shall, within 10 days after the date upon which the person indicated he or she would leave this State, report in person to the sheriff's office to which the person reported the intended change of residence, of his or her intent to remain in the State. If the sheriff is notified by the offender that he or she intends to remain in this State, the sheriff shall promptly report this information to the Division.

## **V. LENGTH OF REGISTRATION**

An individual that is classified as a "Recidivist", a "Sexually Violent Predator" or an "Aggravated Offender" is required to maintain registration for life. All other offenders shall maintain a period of registration for at least ten (10) years following the date of initial registration.

An registered offender who is not classified as a "Recidivist", a "Sexually Violent Predator", or an "Aggravated Offender" may petition the superior court in the district where the offender resides to terminate the registration requirement ten (10) years from the date of initial county registration, if the offender has not been convicted or a subsequent offense requiring registration.

The court may grant relief and order the offender off the registry if:

1. The offender can show he or she has not been arrested for any crime that would require registration,
2. The requested relief complies with the provisions of the federal Jacob Wetterling Act, as amended, and any other federal standards applicable to the termination

of a registration requirement or required to be met as a condition for the receipt of federal funds by the State, and

3. The court is otherwise satisfied that the petitioner is not a current or potential threat to public safety.

Additionally, the district attorney in the district in which the petition is filed shall be given notice of the petition at least three weeks before the hearing on the matter. The petitioner may present evidence in support of the petition and the district attorney may present evidence in opposition to the requested relief or may otherwise demonstrate the reason why the petition should be denied.

If the court denies the petition, the person may again petition the court for relief one year from the date of the denial of the original petition to terminate the registration requirement, the clerk of court shall forward a certified copy of the order to the Division to have the person's name removed from the registry.

## **VI. OUT OF COUNTY EMPLOYMENT NOTIFICATION**

Effective June 1, 2007 an individual who is required to register shall notify the sheriff of the county with whom the person is registered of his or her place of employment and temporary residence, which includes a hotel, motel, or other transient lodging place, if the person meets both of the following conditions:

1. The offender is employed on a vocation in a county in the State other than the county in which the person is registered for more than ten (10) business days within a 30-day period, or for an aggregate period exceeding 30 days in a calendar year, on a part-time or full-time basis, with or with compensation or government or educational benefit; **AND**
2. He or she maintains a temporary residence in that county for more than ten (10) business days within a 30-day period, or for an aggregate period exceeding 30 days in a calendar year.

The notice must be made to the sheriff within the following time limits:

1. Within 72 hours after the offender knows or should know that he or she will be working and maintaining a temporary residence in a county other than the county in which the offender resides for more than ten (10) business days within a 30-day period; **OR**
2. Within ten (10) days after the person knows or should know that he or she will be working or maintaining a

temporary residence in a county other than the county in which the person resides for an aggregate period exceeding 30 days in a calendar year.

## **VII. RESIDENCY RESTRICTIONS**

An individual who is required to register shall not knowingly reside within 1,000 feet of the property on which any public or nonpublic “school” or “child care center” is located. A “childcare center” is defined by G.S. § 110-86(3) as an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.

For purposes of this restriction, ‘school’ does not include home schools as defined in G.S. § 115C-563 or institutions of higher education.

This restriction does NOT apply to child care centers that are located on or within 1,000 feet of the property of an institution of higher education where the offender is a student or is employed.

Changes in the ownership of or use of property within 1,000 feet of a registrant’s registered address that occur after a registrant establishes residency at the registered address shall not form the basis for finding that a registrant is in violation of this regulation. For purposes of this regulation, a residence is established when the registrant does any of the following:

1. Purchases the residence or enters into a specifically enforceable contract to purchase the residence.
2. Enters into a written lease contract for the residence and for as long as the person is lawfully entitled to remain on the premises.
3. Resides with an immediate family member who established residence in accordance with this provision. For purposes of this provision, “immediate family member” means a child, sibling, or parent of the registrant.

These residency restrictions come into effect on December 1, 2006 and apply to all persons registered or required to register on or after that date. These restrictions do NOT apply to a person who has established a residence prior to December 1, 2006 in accordance with exception (1) through (3), listed above.

## **VIII. EMPLOYMENT RESTRICTIONS**

It is unlawful for any person who is required to register to work for any person or as a sole proprietor, with or without compensation, at any place where a minor is

present and the person's responsibilities or activities would include instruction, supervision, or care of a minor or minors.

Additionally, it is unlawful for any person to conduct any activity at his or her residence where the person:

1. Accepts a minor or minors into his or her care or custody from another, and
2. Knows that a person who resides at the same location is required to register.

## **IX. SEX OFFENDER MONITORING PROGRAM**

The North Carolina Department of Correction oversees a sex offender monitoring program that uses a continuous satellite-based monitoring system for certain registered sex offenders. For additional information concerning this program you should contact the North Carolina Department of Correction.

## **X. PENALTIES**

An individual who fails to comply with either the initial registration requirements or the address verification procedures set out in G.S. § 14-208.7, G.S. § 14-208.9 and G.S. § 14-208.9A shall be guilty of a Class F felony.

An individual who fails to report to a sheriff's for an updated photograph within 72 hours of the request from the sheriff's office is guilty of a Class 1 misdemeanor.

An individual who violates the residency restrictions set out in G.S. § 14-208.16 is guilty of a Class G felony.

An individual who violates the employment restrictions set forth in G.S. § 14-208.17 is guilty of a Class F felony.

## **XI. DUTY TO REPORT**

G.S. § 14-208.11A makes it a Class H felony for any person who has reason to believe that an offender is in violation of the requirements of this Article, and who has the intent to assist the offender in eluding arrest, to do any of the following:

- (1) Withhold information from, or fail to notify, a law enforcement agency about the offender's noncompliance with the requirements of this Article, and, if known, the whereabouts of the offender.
- (2) Harbor, attempt to harbor, or assist another person in harboring or attempting to harbor, the offender.
- (3) Conceal, or attempt to conceal, or assist another person in concealing or attempting to conceal, the offender.

- (4) Provide information to a law enforcement agency regarding the offender that the person knows to be false information.

This provision does not apply if the offender is incarcerated or is in the custody of a local, State, private, or federal correctional facility.

## **XII. REGISTRATION PROCEDURES FOR CERTAIN JUVENILES ADJUDICATED DELINQUENT FOR COMMITTING CERTAIN OFFENSES**

### **A. JUVENILES TRANSFERRED TO SUPERIOR COURT AND TRIED AS ADULTS**

A juvenile who is transferred to Superior Court pursuant to G.S. § 7A-608 and is convicted of a sexually violent offense or an offense against a minor must register in the same manner as an adult convicted of the same offense. If the juvenile was not transferred to Superior Court and tried as an adult, then he or she may still be subject to registration as a juvenile.

### **B. REGISTRATION REQUIREMENT**

Whenever a juvenile, who is at least eleven years of age, is adjudicated delinquent for one of offenses listed below, the court shall consider whether the juvenile is a danger to the community. If the presiding judge finds that the juvenile is a danger to the community, the court must then consider whether the juvenile should be required to register with the county sheriff.

G.S. § 14-27.2 First Degree Rape  
G.S. § 14-27.3 Second Degree Rape  
G.S. § 14-27.4 First Degree Sexual Offense  
G.S. § 14-27.5 Second Degree Sexual Offense  
G.S. § 14-27.6 Attempted Rape or Sexual Offense

This also includes the attempt, conspiracy, or solicitation of another to commit any of the preceding offenses and, aiding and abetting of any of the preceding offenses.

No juvenile may be required to register unless the court first finds that the juvenile is a danger to the community. If the judge issues an order that the juvenile shall register, the presiding judge shall conduct the notification procedures as specified for adults. The chief court counselor of that district must then file the registration information for the juvenile with the appropriate sheriff.

### **C. CHANGE OF ADDRESS**

If a juvenile who is required to register changes address, the court counselor for the juvenile shall provide written notice of the new address not later than the tenth day after the change to the sheriff of the county with whom the juvenile had last registered. Upon receipt of this notice, the sheriff shall immediately forward this



information to the CIIS of the State Bureau of Investigation. If the juvenile moves to another county in North Carolina, CIIS shall inform the sheriff of the new county of the juvenile's new address.

#### **D. VERIFICATION OF INFORMATION**

The information provided to the sheriff must be verified on the anniversary date of the initial registration and every six months after that for each juvenile registrant as follows:

1. Every year on the anniversary date of a juvenile's initial registration date and six months after that date, the sheriff shall mail a verification form to the juvenile court counselor assigned to the juvenile.
2. The juvenile court counselor for the juvenile shall return the verification form to the sheriff within 10 days after the receipt of the form.
3. The verification form shall be signed by the juvenile court counselor and the juvenile and shall indicate whether the juvenile still resides at the address last reported to the sheriff. If the juvenile has a different address, then that fact and the new address shall be indicated on the form.

#### **E. JUVENILE REGISTRATION INFORMATION IS NOT PUBLIC RECORD**

Juvenile registration information is not public information and is not available for public inspection. The registration information of a juvenile offender must be maintained separately by the sheriff and released only to law enforcement agencies. Under no circumstances shall the registration of a juvenile adjudicated delinquent be included in the county or statewide registries, or be made available to the public via the internet.

#### **F. TERMINATION OF REGISTRATION REQUIREMENT**

Termination of registration requirement. The requirement that a juvenile register automatically terminates on the juvenile's eighteenth birthday or when the jurisdiction of the juvenile court with regard to the juvenile ends, whichever comes first.

### **XIII. PUBLIC ACCESS TO REGISTRATION INFORMATION**

#### **A. COUNTY REGISTRY**

The following information in a county registry regarding a person required to register is public record and will be available for public inspection; name, sex, address, physical description, picture, conviction date, offense for which registration was required, the sentence imposed as a result of the conviction, and registration status. (Information regarding a person's medical records or documentation or treatment for the person's mental abnormality or personality disorder shall not be a part of the public record). A sheriff must release any other relevant information that is necessary to protect the public concerning a specific person, but cannot release the identity of the victim of the offense that required registration.

Any person may obtain a copy of the individual's registration form, a part of the county registry, or all of the county registry, by submitting a written request for the information to the sheriff. Again, however, the identity of the victim cannot be released. A sheriff may charge a reasonable fee for duplicating cost and mailing cost.

#### **B. STATEWIDE REGISTRY**

The information in the statewide registry that is public record is the same as that set forth for the county registry. The CIIS will release any other relevant information necessary to protect the public concerning a specific person but will not release the identity of a victim.

The CIIS will provide free public access to automated data from the statewide registry, including a photograph provided by the registering sheriff via the Internet. The public will be able to access the statewide registry to view and individual registration record, a part of the statewide registry, or all of the statewide registry. The CIIS will also provide copies of registry information to the public upon written request and may charge a reasonable fee for duplicating costs and mailing costs. The internet address for the statewide registry is:

<http://ncregistry.ncsbi.gov>

### **XIV. STATEWIDE REGISTRY**

The CIIS will compile and keep a current central statewide sex offender registry. The CIIS has the following responsibilities:

1. To receive from the sheriff or any other law enforcement agency or penal institution all sex offender registrations, changes of address, and pre-release notifications. The CIIS shall also receive notices of any violation of this Article including a failure to register or a failure to report a change of address. The CIIS must also provide all need-to-know

law enforcement agencies immediately upon receipt by the CIIS of any registration information, pre-release notifications, changes of address, or notices of violation.

2. To coordinate efforts among law enforcement agencies and penal institutions to ensure that the registration information, changes of address, pre-release notifications, and notices of failure to register or to report a change of address are conveyed in an appropriate and timely manner.

The statewide registry will include the following information:

1. Registration information obtained by a sheriff of penal institution or from any other law enforcement agency.
2. Registration information received from a state or local law enforcement agency or penal institution in another state.
3. Registration information received from a federal law enforcement agency or penal institution.

## **XV. DIVISION OF MOTOR VEHICLES**

The Division of Motor Vehicles (DMV) shall provide to each person who applies for the issuance of a drivers license, learner's permit, or instruction permit to operate a motor vehicle, and to each person who applies for a special identification card, that if the person is a sex offender, then the person is required to register pursuant to Article 27A of Chapter 14 of the General Statutes.

The DMV shall not issue a drivers license or a special identification card to an applicant who has resided in North Carolina for less than 12 months until the DMV has searched the National Sex Offender Public Registry to determine if the person is currently registered as a sex offender in another state. If the DMV finds that the person is currently registered as a sex offender in another state, the DMV shall not issue a drivers license or special identification card to the person until the person submits proof of registration pursuant to Article 27A of Chapter 14 of the General Statutes.

## **XVI. FREQUENTLY ASKED QUESTIONS**

### **Who maintains the sex offender and public protection registry?**

North Carolina law requires sex offenders who have been convicted of certain offenses to register with their county sheriff. Information about offenders is then entered into the Registry database by the sheriff's office and transmitted to the North Carolina State Bureau

of Investigation. The North Carolina State Bureau of Investigation collects information submitted by sheriffs in all 100 counties in the state and makes it available to the public via the Sex Offender Registry website.

### **Where do sex offenders register in North Carolina?**

Offenders in North Carolina are required to register with the sheriff in the county where they live.

### **Who is required to register?**

A person who is a North Carolina resident and who has a reportable conviction is required to register with the sheriff of the county in which they reside.

Non-resident students and non-resident workers are also required to register under North Carolina law.

If required to register in another state, individuals should contact the sheriff in the county where they live to determine their registration requirements.

If an individual is uncertain about their registration requirements, they should contact the sheriff in the county where they live.

### **When is an offender required to register?**

Registration deadlines can vary. See some examples below.

- within 10 days of establishing residency in the State
- being present in the State for at least 15 days
- within 10 days of release from a North Carolina correctional facility
- immediately upon conviction of a reportable offense, with no active sentence
- when enrolled in a North Carolina institute of higher education
- when working in the State for more than 14 days or for a period that will exceed 30 days in a calendar year

### **Are offenders prohibited from living near schools/daycare centers?**

A new state law that took effect December 1, 2006 makes it a felony for a convicted sex offender to knowingly reside within 1,000 feet of any school or child care center. For more information, see Session Law 2006-247. Additionally, some individuals who are still on active probation or parole may be subject to court mandated limitations on residency.

### **I want to share information I found on the Registry. Does the law prohibit me from sharing this information?**

Information on the website is considered public record. This information is made available for purposes of protecting the public, for increasing awareness, for keeping the public informed and for allowing them to take proactive measures to ensure safety in their communities.

Use and/or misuse of this information by individuals, groups or entities to commit criminal acts (to include, but not limited to, threats, intimidation, stalking, harassment) against other persons is subject to criminal prosecution.

Please remember the following:

- Because of certain North Carolina General Statute provisions, juvenile offenders are not included in the public Sex Offender Registry.
- The Registry does not include information on those individuals whose sexually violent behavior has not come to the attention of authorities.
- The SBI and county sheriffs attempt to ensure that Registry information is accurate and current. Although the database is updated regularly, information can change quickly.

### **What should I do if I think an offender is not registered, or if I think the information contained in the registry is inaccurate?**

If an offender fails to verify his address or fails to register, the person may be subject to criminal penalties.

Contact your county sheriff and provide as much detailed information as possible so the sheriff can look into the matter.

### **Are there juveniles on the public sex offender registry?**

Under state law, information on juvenile offenders is not public record. However, juveniles who are tried as adults in Superior Court and convicted of a sexually violent offense or an offense against a minor must register if an adult convicted of the same offense would have been required to register.

### **How do I access information about sex offenders listed in other states?**

Information on other state registries can be found through various advocacy groups, or through the Federal Bureau of Investigation's (FBI's) National Sex Offender Registry.

State websites: <http://www.fbi.gov/hg/cid/cac/states.htm>

National Sex Offender Public Registry: <http://www.nsopr.gov>

North Carolina Sex Offender and Public Protection Registry: <http://ncregistry.ncsbi.gov>

**Who do I contact if I have more questions?**

Contact your county sheriff's office or local law enforcement agency.

North Carolina Department of Justice  
Criminal Division - Law Enforcement Liaison Section

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